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**REMARKS**

The present Office Action was mailed in response to an Appeal Brief. As noted in the present Office Action, the Examiner admits that Applicant's previous remarks and distinctions are, in fact, persuasive and that the previous bases for rejection were misplaced. The present Office Action has, however, continued to reject all claims based on newly cited art (e.g., U.S. patent 6,006,269). Curiously, the "REMARKS" portion of the Office Action concludes with the statement "The examiner asserts the claim language is still too broad." (Office Action, p. 8). However, by retracting the previous rejections, the Examiner admits that the claim language was not too broad previously (but rather that the previous rejection was misplaced).

In responding to the present rejection, Applicant assumes that the Examiner has now made all relevant art of record, as the MPEP requires that Examiners avoid piecemeal examination of applications (MPEP 707.07(g)), and that the art now of record reflects the results of a thorough search of the embodiments of the specification as well as the claims (MPEP 904).

Turning now to the substantive rejections, the Office Action has rejected claims 1-23, 27-28, and 30-32 as allegedly anticipated by U.S. Patent 6,006,269 to Phaal. For at least the reasons set forth below, Applicant continues to disagree and requests reconsideration and withdrawal of the rejections.

***Discussion of Claims 1-11***

Claim 1 recites:

1. A method implemented at a Web server for controlling the resumption of access to a World Wide Web page to be supplied by the Web server and requiring at least one prerequisite, the method comprising:

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*receiving and evaluating a current HTTP request from a Web client to determine whether a previously unsatisfied prerequisite has been satisfied; retrieving from a stored location information related to re-requesting a target HTTP request previously interrupted by the prerequisite, if the receiving and evaluating step determines that a previously unsatisfied prerequisite has been satisfied; forming an HTTP response, which response includes contents for re-requesting from the Web client the target HTTP request; and transmitting the response to the Web client that transmitted the current HTTP request.*

(Emphasis added.) Applicant respectfully submits that claim 1 patently defines over Phaal for at least the reason that Phaal fails to disclose the features emphasized (bold and italics) above.

Taking each emphasized element in sequence, claim 1 requires: “receiving and evaluating a current HTTP request from a Web client to determine whether a previously unsatisfied prerequisite has been satisfied.” The Office Action has relied upon col. 2, lines 46-53 of Phaal as allegedly disclosing this feature. It does not. In fact, the cited portion of Phaal actually states:

... One form of the invention provides an admission control system having an admission control gateway, a deferral manager and a scheduler. When the admission control gateway receives a message that calls for a new client session, the gateway determines whether a processing threshold has been reached; if the threshold has been reached or surpassed, the message is passed to the deferral manager to formulate a response to the particular client.

(Phaal, col. 2, lines 46-53). As can be readily verified from even a cursory review of the above-quoted portion of Phaal, the relevant feature of claim 1 is not disclosed anywhere therein. In this regard, Phaal discloses determining “whether a processing threshold has been reached.” In this regard, the system of Phaal determines whether the server has the capacity (based on the other transactions/sessions being processed) to efficiently process the new request. If not, the a “deferral manager” forms an appropriate response (e.g., a notification to the requesting client as to when the request may be processed – see, e.g., col. 2, lines 64-68).

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Significantly, the “processing threshold” cannot be properly equated to the claimed “prerequisite.” In this regard, the specification of the present application discussed the concept of prerequisites at great length (see e.g., pages 4 through 7, which describe examples of “authentication prerequisites,” “entitlement prerequisites,” and “workflow prerequisites.”). In short, it is clear from the patent specification that the claimed “prerequisite” refers to a threshold requirement associated with the requesting entity. Indeed, after discussing several such illustrative types of prerequisites, the specification goes on to state:

“What all of these kinds of prerequisites have in common is their overall model. A URL (herein called the “target”) is requested of the Web server program by the browser. Before processing the URL, the Web server program checks that various criteria are satisfied (herein called the “prerequisites”), of which there may be an arbitrary number.

In contrast, the teaching of Phaal refers to a determination relating to the processing capability of the receiving server. The two teachings (e.g., required criteria for a target URL and the current processing capability of the server) cannot be properly equated, and for at least this reason, the rejection is misplaced. This distinction becomes even more evident in the context of the remaining claim elements.

Specifically, claim 1 also requires: “retrieving from a stored location information related to re-requesting a target HTTP request previously interrupted by the prerequisite, if the receiving and evaluating step determines that a previously unsatisfied prerequisite has been satisfied.” The Office Action col. 2, lines 51-65 of Phaal as disclosing this claimed feature. In fact, this cited portion of Phaal actually states:

... manager to formulate a response to the particular client. The scheduler is checked to determine a time when the host can expect to have processing resources available, and the deferral manager then formulates a time indication which tells the client when the client can expect to gain admission to the host.

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In more detailed features of this first form of the invention, the deferral manager can determine a time for admission based on the use of reserved time slots, which are allocated on a first-come, first-served basis; optionally, a client can be afforded a choice of these slots, to pick a time convenient for the client's user. The deferral manager can then formulate a countdown time and provide the particular ...

Significantly, there is no teaching of the claimed feature of "retrieving from a stored location information related to re-requesting a target HTTP request previously interrupted by the prerequisite, if the receiving and evaluating step determines that a previously unsatisfied prerequisite has been satisfied." Instead, the cited teaching of Phaal discloses a "deferral manager" that (after determining that the processing server does not have the processing resources available to process the request) can formulate a countdown time and provide that to the client. There is no teaching whatsoever of re-requesting a target HTTP request (i.e., a previous request that failed because of an unsatisfied prerequisite), in response to a determination "that a previously unsatisfied prerequisite has [now] been satisfied." For at least this addition reason, claim 1 patently defines over the cited teachings of Phaal.

Further still, claim 1 recites: "forming an HTTP response, which response includes contents for re-requesting from the Web client the target HTTP request." The Office Action cited col. 2, line 65-col. 3, line 15 of Phaal as disclosing this claimed feature. In fact, this cited portion of Phaal actually states:

... The deferral manager can then formulate a countdown time and provide the particular client both with the countdown time and a "key" that will enable the client to gain preferred access to the host at expiration of the countdown time. The key could be a "cookie" or a special password that, when passed to the host upon a retry, guarantees processing on a priority basis. In a different feature of the invention, the deferral manager can operate without specifically reserving time slots, and simply defer sessions in-progress if a priority message is received which would cause the host processor to operate with a greater-than-desired load. For purposes of assigning future times or appointments, the scheduler can operate in several different ways, for example, by setting "appointments" using a maximum

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number of new sessions per minute, or by monitoring periodic host activity and assigning future sessions when the host is normally "less busy." For example, if regular monitoring reveals that the host is usually not busy between 3:00 and 5:00 O'clock, the deferral manager could tell the client to try again during that time interval.

There is no teaching or disclosure in this cited portion of Phaal of the claimed forming of an HTTP response, in which the "response includes contents for re-requesting from the Web client the target HTTP request." Instead, this teaching of Phaal describes providing a requestor (e.g., Web client) with information (e.g. a countdown time) as to when that Web client could resubmit its request. The claimed feature and teaching of Phaal are profoundly different.

While each of the individually-cited teachings of Phaal are different from the claimed features (as noted above), the collective teachings are vastly different, and for at least the foregoing reasons, the rejection of claim 1 should be withdrawn. As claims 2-11 depend from claim 1, the rejections of these claims should be withdrawn for at least the same reasons.

#### **Discussion of claims 12-21**

The Office Action, however, rejected claims 12-21 under 35 U.S.C. § 102(b) as allegedly anticipated by Phaal. For at least the reasons set forth below, Applicant disagrees and requests reconsideration of the rejections.

Claim 12 recites:

12. A method implemented at a Web server for controlling the interruption of access to a World Wide Web page to be supplied by the Web server and requiring at least one prerequisite, the method comprising:  
*receiving and evaluating a current HTTP request from a Web client to determine whether an unsatisfied prerequisite exists;*  
*saving to a stored location information related to re-requesting the current HTTP request, if the receiving and evaluating step determines that an unsatisfied prerequisite exists;*

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*forming an HTTP response, which response omits desired contents from a location specified by the current HTTP request; and transmitting the response to the Web client that transmitted the current HTTP request.*

(Emphasis added.) Applicant respectfully submits that claim 12 patently defines over Phaal for at least the reason that Phaal fails to disclose the features emphasized (bold and italics) above.

Applicant submits that additional distinctions define claim 12 over Phaal. For example, the Office Action has relied upon col. 2, line 51 through col. 3, lines 15, and col. 6, lines 29-49 as allegedly teaching the "saving ..." element. The Office Action also relies on col. 2, lines 65 – col. 3, line 15 as teaching the "forming ..." element. Applicant respectfully disagrees. First, Applicant fails to understand why the same teaching col. 2, line 65 – col. 3, line 15 has been cited for teaching two different claim elements.

Turning first to teachings of Phaal relied of by the Office Action for allegedly teaching the "saving ..." element of claim 12, these cited portions of Phaal actually state:

... if the threshold has been reached or surpassed, the message is passed to the deferral manager to formulate a response to the particular client. The scheduler is checked to determine a time when the host can expect to have processing resources available, and the deferral manager then formulates a time indication which tells the client when the client can expect to gain admission to the host.

In more detailed features of this first form of the invention, the deferral manager can determine a time for admission based on the use of reserved time slots, which are allocated on a first-come, first-served basis; optionally, a client can be afforded a choice of these slots, to pick a time convenient for the client's user. The deferral manager can then formulate a countdown time and provide the particular client both with the countdown time and a "key" that will enable the client to gain preferred access to the host at expiration of the countdown time. The key could be a "cookie" or a special password that, when passed to the host upon a retry, guarantees processing on a priority basis. In a different feature of the invention, the deferral manager can operate without specifically reserving time slots, and simply defer sessions in-progress if a priority message is received which would cause the host processor to operate with a greater-than-desired load. For purposes of assigning future times or appointments, the scheduler can operate in several different ways, for example, by setting "appointments" using a maximum

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number of new sessions per minute, or by monitoring periodic host activity and assigning future sessions when the host is normally "less busy." For example, if regular monitoring reveals that the host is usually not busy between 3:00 and 5:00 O'clock, the deferral manager could tell the client to try again during that time interval.

... The scheduler has many possible implementations for obtaining such information. For example, the scheduler can compile statistics based on day-to-day operation of the server and times when the processing resources of the server tend to be less strained; in this example, the scheduler could determine that a particular server is "less busy" from twelve O'clock noon until one O'clock P.M., and could defer a client system until twelve O'clock noon and the one hour time range thereafter. Alternatively, the scheduler could simply set "appointments" (e.g., two for every five minutes) and simply return to the deferral manager 31 a time for the next available appointment. In the preferred embodiment, the scheduler uses the latter function and defers messages for at least a minimum predetermined amount of time, e.g., 300 seconds or more as indicated by Table I, below; in conjunction with a time set by a web page which is downloaded to the client, the client's message is later accepted on a priority basis if the client contacts the server within a defined interval following the time. Implementation of the scheduler is effected in the preferred embodiment via software.

(Col. 2, line 51-Col. 3, line 15; Col. 6, lines 29-49).

Significantly, however, there is nothing disclosed about saving information related to re-requesting the current HTTP request to a stored location. In fact, the Office Action has failed to provide any analysis or application of the cited portions to the claimed features. Instead, the Office Action has merely quoted the claim language and cited these portions of Phaal (by column and line number). The undersigned fails to appreciate or understand virtually any relevance to the cited portions.

However, there is no teaching or disclosure in the above-cited portions of Phaal of the claimed feature of "saving to a stored location *information related to re-requesting the current HTTP request*, if the receiving and evaluating step determines that an unsatisfied prerequisite exists." For at least this reason, the rejection of claim 12 should be withdrawn.

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In addition to the foregoing distinction, Phaal also fails to disclose other features of claim 12. For example, claim 12 expressly recites “*forming an HTTP response, which response omits desired contents from a location specified by the current HTTP request.*” The Office Action alleged that this feature is disclosed in Col. 2, line 65 – Col. 3, line 15 of Phaal. This portion of Phaal is quoted above, and fails to disclose anything relating to the formation of an HTTP response that omits desired contents from a location specified by the current HTTP request. Again, the Office Action fails to provide any application of this portion of Phaal to the claimed features. For at least this reason, the rejection of claim 12 is misplaced and should be withdrawn.

Further still, claim 12 recites certain features similar to those discussed above in connection with claim 1 (e.g., “evaluating a current HTTP request from a Web client to determine whether an unsatisfied prerequisite exists.”) For reasons similar to those discussed above in connection with claim 1, Phaal fails to disclose this “evaluating ... to determine whether an unsatisfied prerequisite exists.”

For at least the foregoing reasons, the rejection of claim 12 should be withdrawn. Claims 13-21 each depends from claim 12 and the rejections to these claims should be withdrawn for at least the same reasons.

#### **Claims 22-27**

The Office Action has rejected claims 22-27 under 35 U.S.C. § 102(b) as allegedly anticipated by Phaal. For at least the reasons set forth below, Applicant disagrees and requests reconsideration of the rejections.

Claim 22 recites:

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22. A Web server for controlling the resumption of access to a World Wide Web page to be supplied by the Web server and requiring at least one prerequisite, the Web server comprising:

*a first mechanism configured to evaluate a current HTTP request from a Web client to determine whether a previously unsatisfied prerequisite has been satisfied;*

*a second mechanism configured to retrieve from a stored location information related to re-requesting a target HTTP request previously interrupted by the prerequisite, in response to the first mechanism determining that a previously unsatisfied prerequisite has been satisfied;*

*a third mechanism configured to form an HTTP response, which response includes contents for re-requesting from the Web client the target HTTP request; and*

*a fourth mechanism configured to transmit the response to the Web client that transmitted the current HTTP request.*

(*Emphasis added*). Applicant respectfully submits that claim 22 patently defines over Phaal for at least the reason that Phaal fails to disclose the features emphasized (bold and italics) above.

Claim 22 is an apparatus claim defining elements that loosely correspond to the elements of method claim 1. Indeed, the rationale for the rejection of claim 22 (and the portions of Phaal cited) closely parallels the rationale for the rejection of claim 1. Accordingly, Applicant respectfully submits that the rejection of independent claim 22 (and dependent claims 23-27) should be withdrawn for at least the same reason as the rejection of claim 1.

#### Claims 28-29

The Office Action, however, rejected claims 28-29 under 35 U.S.C. § 102(b) as allegedly anticipated by Phaal. For at least the reasons set forth below, Applicant disagrees and requests reconsideration of the rejections.

Claim 28 recites:

28. A Web server for controlling the interruption of access to a World Wide Web page to be supplied by the Web server and requiring at least one prerequisite, the Web server comprising:

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*a first mechanism configured to evaluate a current HTTP request from a Web client to determine whether an unsatisfied prerequisite exists;*  
*a second mechanism configured to save to a stored location information related to re-requesting the current HTTP request, in response to the first mechanism determining that an unsatisfied prerequisite exists;*  
*a third mechanism configured to form an HTTP response, which response omits desired contents from a location specified by the current HTTP request; and*  
a fourth mechanism configured to transmit the response to the Web client that transmitted the current HTTP request.

(*Emphasis added*). Applicant respectfully submits that claim 28 patently defines over Phaal for at least the reason that Phaal fails to disclose the features emphasized (bold and italics) above.

Claim 28 is an apparatus claim defining elements that loosely correspond to the elements of method claim 12. Indeed, the rationale for the rejection of claim 28 closely parallels the rationale for the rejection of claim 12. Accordingly, Applicant respectfully submits that the rejection of independent claim 28 (and dependent claims 30-32) should be withdrawn for at least the same reason as the rejection of claim 12 (discussed above).

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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No fee is believed to be due in connection with this Amendment and Response to Office Action. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Hewlett-Packard Company's Deposit Account No. 08-2025.

Respectfully submitted,



Daniel R. McClure  
Registration No. 38,962  
(770) 933-9500

Please continue to send all future correspondence to:

Hewlett-Packard Development Company, L.P.  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400